

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ESPE

Examiner: Choi, Peter

Serial No.: 10/617,977

Art Unit: 1794

Filing Date: July 11, 2003

Confirmation No.: 4056

Title: Press Pad for Multi-Daylight Presses

Atty. Docket No. 912.001

DECLARATION OF ROLF ESPE UNDER 37 C.F.R. § 1.132

I, Rolf Espe, declare as follows:

1. I am the inventor of the subject matter of the above-captioned patent application. I am familiar with the application and its claims.
2. I am Managing Director for Rheinische Filztuchfabrik GmbH, the assignee of the above-captioned patent application. I have been employed in that capacity for 15 years and have 25 years of experience in designing and manufacturing threads and sheet materials formed from such threads for use in press pad applications. I hold a Bachelors of Science degree in Chemistry Dr. rer. nat. Based on my education and direct work experience, I consider myself to be one of ordinary skill in the art of press pad thread and press pad use and manufacture.
3. I have reviewed U.S. Patent Application Publication No. 2001/0029139 to Espe and U.S. Patent 6,342,457 to Best, both of which were cited in the Office Action mailed on February 18, 2009. I am the sole inventor of U.S. Patent Application Publication No. 2001/0029139.
4. While employed by Rheinische Filztuchfabrik GmbH, located in Stolberg, Germany, I conceived and reduced to practice a woven press pad as described and claimed in the above-identified application. I tested press pads constructed according to the present invention. As described in the background of the present application, I am also familiar with the operation of pads lacking a woven construction, and having a knitted

construction, as well as pads having a woven construction with threads of different diameters and/or threads having different having elasticities.

5. Based on my knowledge of press pad thread and press pad constructions, as well as my dealings associated with others that I consider to possess an ordinary skill in the relevant art, the use of the terms "warp" and "weft" define a woven material as compared to a knitted material.
6. Woven pads are understood by those skilled in the art as having a number of warp threads that extend in a first direction and a number of weft threads are oriented in a direction that is generally transverse to the direction of the warp threads. The warp and weft threads are understood to extend in the respective crossing directions in a substantially linear manner across the entire respective width and length of the woven pad.
7. Pads that are knitted have a construction that is not considered by those having ordinary skill in the art to be related to woven pad constructions. Knitted pads are understood by those having ordinary skill in the art as being formed by a number of threads wherein one or more threads extend in crossing or opposite directions at intervals along the length of the respective knitted threads.
8. Based on my experience as one of ordinary skill in the art, I would have expected pads constructed in accordance with the claims of the above-captioned invention to exhibit substantially the same properties as the other prior art pad constructions. Instead, the pads I tested exhibited extremely good compensation properties, especially the capability of compensating local and punctual differences in the thickness of the material to be processed thus avoiding the graying of a melamine resin overlay of the material to be processed and the high relaxation of the press pad was not expected.

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9. The extremely good compensation properties, especially the capability of compensating local and punctual differences in the thickness of the material to be processed thus avoiding the graying of a melamine resin overlay of the material to be processed and the high relaxation of the press pad was not expected performance of press pads constructed according to the present invention was wholly unexpected. I believe that others skilled in the art would also consider the excellent compensation properties performance to be unexpected.
10. I have reviewed the presently pending claims in the above-referenced application. I have read the Examiner's Office Action mailed February 18, 2009, and reviewed the disclosure of the prior art cited by the Examiner in his Office Action; namely, U.S. Patent Application Publication No. 2001/0029139 (hereinafter the '139 Publication) and U.S. Patent 6,342,457, (hereinafter the '457 Patent).
11. I am the sole named inventor of the subject matter of the '139 Publication. This publication discloses various individual thread constructions. There is no disclosure or suggestion in this reference to form a press pad having alternating threads of different elasticities. There is also no teaching or suggestion in this reference to form a press pad having different elasticities provided with threads having a common outer diameter. To achieve press pad drying, thermal performance, and shape retention characteristics requires experimentation.
12. I read the '457 Patent as teaching that press pads having woven constructions suffer from various drawbacks associated with elongation, compression, strength, and compressive elasticity. This reference teaches that, rather than altering the construction of the respective threads, the threads should be knitted together rather than being woven together to form the respective pad.

13. The presently claimed press pad is distinctly different from that which is disclosed in the '139 Publication and the '457 Patent for the following reasons:
 - a. The '139 Publication discloses a number of thread constructions. There is no disclosure or suggestion in the '139 Publication to form a pad from a number of threads wherein each thread has a multiple layer construction and wherein the various threads have different elasticities and similar outer diameters.
 - b. The claimed woven pad construction resolves the problems discussed in the '457 Patent in a manner that is markedly different than the solution proffered by the '457 Patent and in a manner that directly contradicts the teaching of the '457 Patent that woven pad constructions are unable to provide the operating characteristics described in the '457 Patent.
 - c. Rheinische Filztuchfabrik GmbH has advanced the art by its use of a press pad having a woven construction wherein alternate threads have different elasticities while maintaining a substantially similar outer diameter for the alternate threads.
 - d. Rheinische Filztuchfabrik GmbH has advanced the art beyond the '139 Publication and the '457 Patent because it succeeded where the '139 Publication is silent and where the '457 Patent failed by its own admission, ie., the ability to provide a press pad having a woven construction and with improved stretch resistance and thermal performance.
14. Based upon my experience as one of ordinary skilled in the art, neither the '139 Publication nor the '457 Patent provides a road map, method, or information that would have aided an ordinary person skilled in the art to determine the alternating elasticities and similar outer diameters for the claimed Rheinische Filztuchfabrik GmbH woven pad construction. Neither success nor failure was predictable utilizing the teachings of the '139 Publication and/or the '457 Patent or the body of knowledge held by those with ordinary skill in the art.

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15. Upon reviewing these references, I believe that a person of ordinary skill in the art, having knowledge of the '139 Publication and the '457 Patent, would not conclude that it was obvious to modify the knitted pad construction of the '457 Patent or the various thread constructions disclosed in the '139 Publication by providing a press pad having a woven pad constructed by a number of threads that extend in a generally linear fashion across and along the respective width and length of the pad wherein adjacent threads have different elasticities and similar outer diameters.
16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1002 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Rule 132 Declaration is directed.

Dated: 15. May 2009

Dr. Rolf Espe

A handwritten signature in black ink, appearing to read 'R. Espe', is written over a horizontal line. The signature is stylized with a large, sweeping 'R' and a cursive 'Espe'.